

ADAMS COUNTY SHORELAND PROTECTION ORDINANCE

RIPARIAN BUFFERS

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- **P&Z** → Regulatory, 608-339-4222
- **LWCD** → Technical Assistance
608-339-4269

ADAMS COUNTY SHORELAND PROTECTION ORDINANCE

- Property rights are not taken away.
- Public does not have access unless other local laws allow.

(i.e. Arrowhead Lake Association owns 100 feet upland)

DEFINITION OF A RIPARIAN BUFFER

- An area adjacent to a waterbody or watercourse that is vegetated with trees, shrubs, grasses and/or forbs that are not manipulated by human activity.

TYPES OF RIPARIAN BUFFERS

- **WOODLAND**
- **PRAIRIE**
- **LANDSCAPED**







FUNCTIONS OF RIPARIAN BUFFERS

- **IMPROVE WATER QUALITY** BY REDUCING AMOUNTS OF SEDIMENT, ORGANIC MATTER, NUTRIENTS PESTICIDES AND OTHER POLLUTANTS IN SURFACE RUNOFF.
- **IMPROVE WATER QUALITY** BY REDUCING THE AMOUNTS OF NUTRIENTS AND OTHER CHEMICALS IN SHALLOW GROUNDWATER.
- **ENHANCE BANK STABILITY** AND LIMIT BANK EROSION DUE TO WAVE IMPACT.

FUNCTIONS OF RIPARIAN BUFFERS

- **INCREASE INFILTRATION** DURING STORM EVENTS, RESULTING IN SLOWER SURFACE AND GROUNDWATER DISCHARGE TO WATERBODIES.
- **PROVIDE FOOD, SHELTER, NESTING SITES AND OVERWINTER COVER** FOR AQUATIC AND LAND ANIMALS, BIRDS, REPTILES, ETC...
- **PROVIDE SHADE TO LOWER WATER TEMPS** WHICH INCREASES DISSOLVED OXYGEN FOR ORGANISMS
- **REDUCE VISUAL IMPACT** OF HUMAN ACTIVITIES.

Shoreland Protection Ordinance

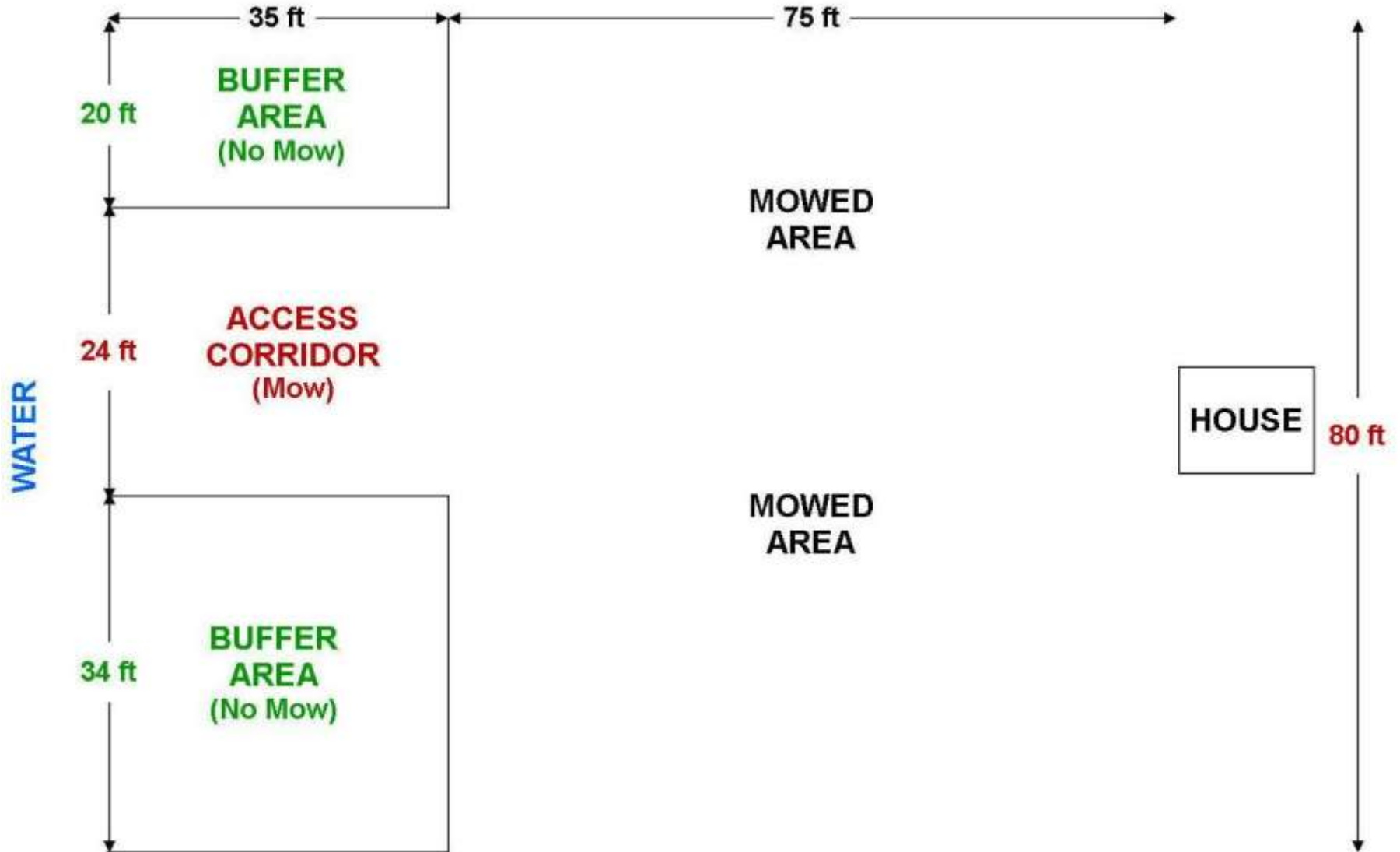
Parcels in Compliance – Section 4

- Applies to all shorelands in the unincorporated areas of Adams County.
- Vegetation paralleling the shoreline extending **35 feet inland** from all points of the ordinary high-water mark, referred to as the buffer area, **shall not be removed** (including tilling) except in the access corridor.
- Access corridor shall be the lesser of **30% of lot width** or **30 feet per 100 feet of width**.

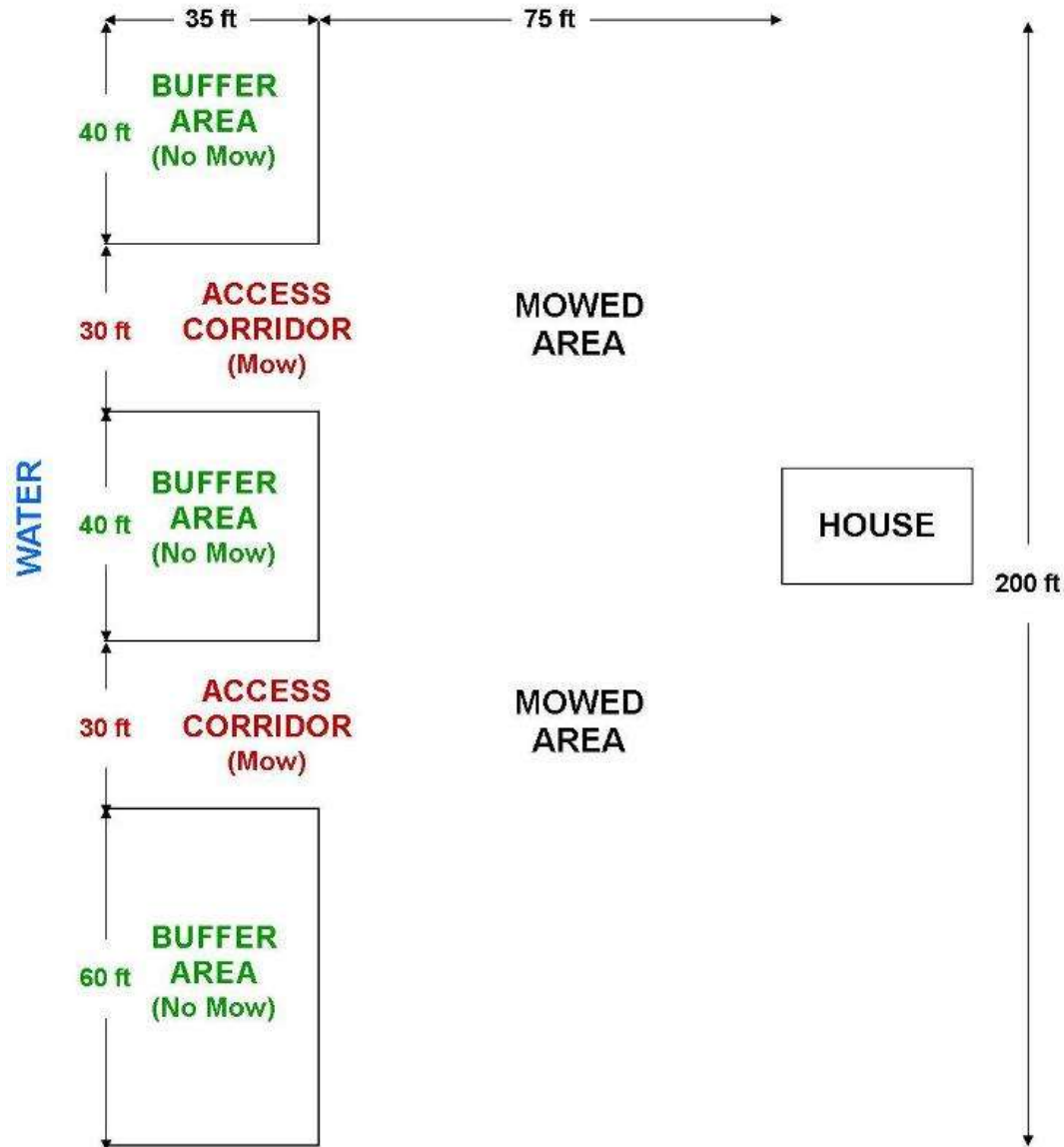
Buffer Areas for parcels in **Compliance**

- **Grasses in the buffer area may be trimmed to a height of no less than 12 inches**
- **Exception for lots with 30 feet or less of water frontage.**
- **Shoreline stabilization measure contribute to 35 feet buffer requirement.**

30% of lot width Example



30 feet per 100 feet Example



View / Access Corridor for Parcels in Compliance

- Shall be a minimum of 35 feet between clear cut openings.
- Interpretation relative to beach areas:

Viewing corridor allows for the creation and maintenance of a beach area.

Note: Contact P&Z Dept before creating any beaches because any excavation, filling, grading needs to be permitted as described in Section 5.

Shoreland Protection Ordinance

Parcels in Violation – Section 4

- Those parcels where existing vegetation is **removed within** the 35 feet buffer area and outside of the allowable access corridor.
- Planting plan and maintenance plan **required immediately** to replace the vegetation removed with similar species, size and age according to minimum standards of WI Biology Tech. Note 1.

WI Biology Tech Note 1 Minimum Standards – Woodland Buffer

- 2 or more native trees, 0.5 – 5 / 100 sqft
- 3 or more native shrubs, 1 – 4 / 100 sqft
- Native grass/flower plugs 25 - 75 / 100 sqft
(3 or more species)
or
native grass/flower seed 6 – 12 oz / 1000 sqft
(3 or more species)

WI Biology Tech Note 1 Minimum Standards – Prairie Buffer

- 0 native trees, may have up to 0.2 / 100 sqft
- 2 or more native shrubs, 0.2 – 0.5 / 100 sqft
- Native grass/flower plugs 50-100 / 100 sqft
 (5 or more species)
 or
 native grass/flower seed 6 – 12 oz / 1000 sqft
 (3 or more species)

Shoreland Protection Ordinance Parcels that are **Nonconforming – Section 6-1.06**

- Nonexistent, inadequate or otherwise ineffective 35 feet shoreline buffer areas as set forth in Section 4 shall be considered nonconforming, unless under existing maintenance or management plan approved by Adams County.

Shoreland Protection Ordinance Parcels that are **Nonconforming – Section 6-1.06**

- All nonconforming shoreline buffer areas shall be brought into **compliance by September 30, 2013**, unless NR115 as revised, requires less restoration for compliance.

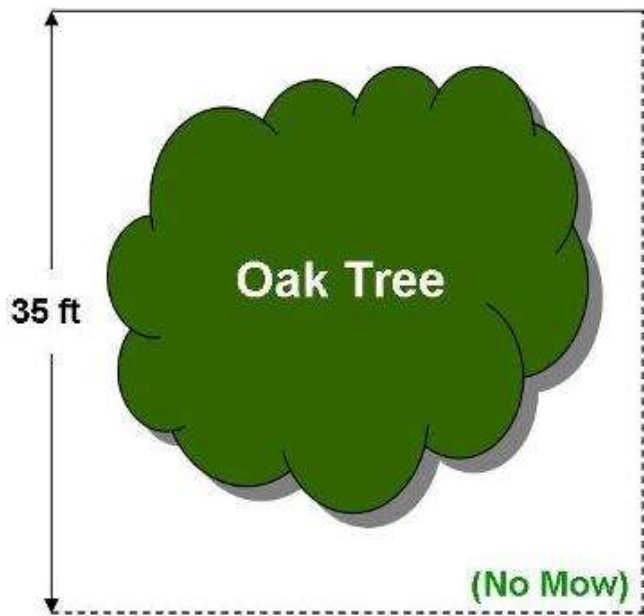
Shoreland Protection Ordinance Parcels that are **Nonconforming – Section 6-1.06**

Minimum Standards for compliance:

- Vegetation within 35 feet buffer area shall not be mowed (except for grasses which may be cut to a minimum height of 12 inches), cut tilled or otherwise removed.
- Consist of a minimum 50% native canopy upon maturity.

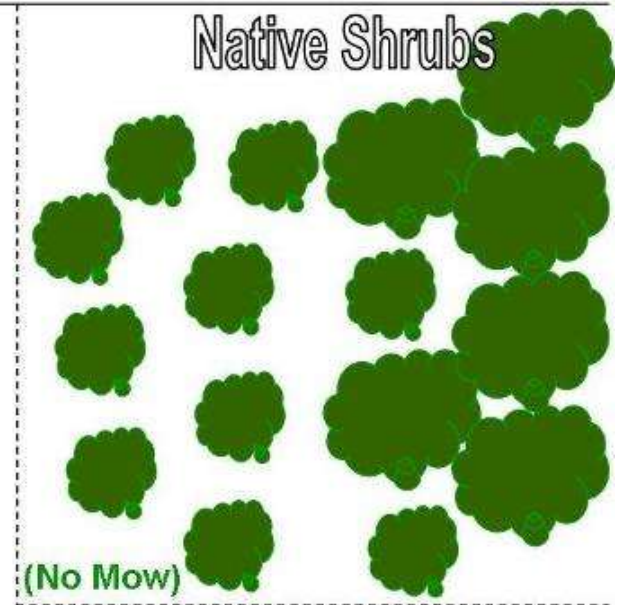
EXAMPLE OF 50% CANOPY REQUIREMENT USING TREES/SHRUBS

WATER



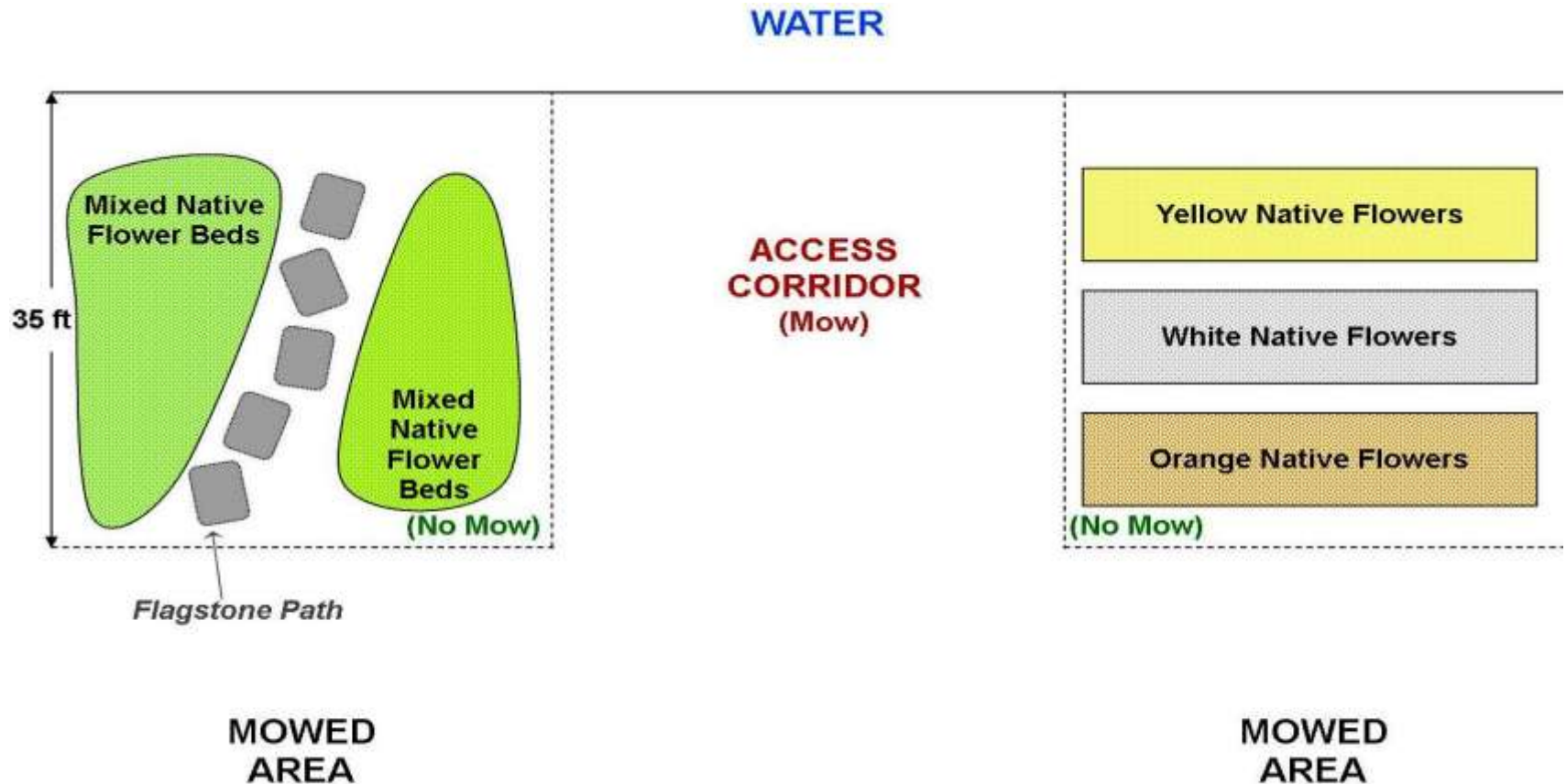
MOWED
AREA

ACCESS
CORRIDOR
(Mow)



MOWED
AREA

EXAMPLE OF 50% CANOPY REQUIREMENT USING LANDSCAPING



Shoreland Protection Ordinance Parcels that are **Nonconforming – Section 6-1.06**

- Cases where **P&Z Dept and LWCD determine** a 35 feet buffer is not practical due to site limitations including but not limited to legal nonconforming setback encroachments, topography, the non-existence of soil, soil inadequacies; **other mitigation measures** capable of serving the purpose of this ordinance such as rain gardens may be implemented in lieu of a portion of the required buffer.

Shoreland Protection Ordinance Parcels that are **Nonconforming – Section 6-1.06**

- < 35 feet, buffer area shall be a minimum of 33% of distance as measured horizontally from the Ordinary High Water Mark to the primary structure.

View / Access Corridor for Parcels in Nonconformance

- Interpretation relative to beach areas:

Existing beach areas outside of the viewing corridor are considered nonconforming and must be converted to vegetated buffer unless a Special Exception Permit to retain the beach area is applied for and granted – Section 5.

Viewing corridor allows for the creation and maintenance of a beach area.

Note: Contact P&Z Dept before creating any beaches because any excavation, filling, grading needs to be permitted as described in Section 5.

Shoreland Protection Ordinance Parcels that are Nonconforming – Section 6-1.06

- In all such cases whether a buffer restoration/enhancement and/or other mitigation plan is required;
- A maintenance agreement shall be approved by LWCD and P&Z Dept.
- Maintenance agreement shall be filed with the LWCD and P&Z Dept.

Costs to Comply

- Minimum standards = \$0 to \$200
- Prairie buffer = \$.15 to \$1.00 / sqft
- Woodland buffer = \$.50 to \$2.00 / sqft
- Landscaped buffer = \$.25 to \$3.00 / sqft
- 70% - 75% Cost share available for native restorations



























PROPERTY VALUES?

- 1996 – 2001 MINNESOTA STUDY
- lake water clarity had a positive relationship with property prices.
- 1meter increase in water clarity increased property values avg. of \$6 to \$40/linear ft.
- improving lake water quality will improve or protect lakeshore property values.

PROPERTY VALUES?

- 2001-2005 MICHIGAN STUDY
- 1 meter increase in water clarity increased property values avg. of \$237 / frontage ft.
- Larger lakes with less developed properties are preferred.

WHY NOW?

- **NATURAL RESOURCES IS #1 INDUSTRY IN ADAMS COUNTY - NEED TO PROTECT AND IMPROVE WATER QUALITY**
- **PROVIDE A CONSISTENT AND EQUITABLE METHOD FOR ENFORCEMENT**



HOW TO IMPLEMENT

- Adams Planning and Zoning Dept provides administrative services
- Adams Land and Water Conservation Dept provides technical assistance. Landowners may receive assistance from private contractors
- Seek grant funding for staffing, shift workload priorities and work with other agencies.

OTHER EFFORTS TO IMPROVE WATER QUALITY

- Watersheds inventoried to identify erosion, unconfined manure stacks, manure runoff, nutrient mgmt and livestock in streams – NR151.
- Stormwater Runoff Ordinance
- Animal Waste Management Ordinance
- Lake management plans to address water quality, aquatic plant management, recreation, shorelands and water quantity.

QUESTIONS

